

Browne & Woods LLP

MEMORANDUM

STATE BAR OF CALIFORNIA INTELLECTUAL PROPERTY SECTION TRADE SECRET COMMITTEE

March 16, 2004 Meeting Minutes

1. **Attendance.** The following Committee members attended the March 16, 2004 telephonic meeting: Ben Scheibe, John Yates, Bec Edelson, Randy Kay, Veronica Gray, Bart Smith, Charlene Dozier, and Jim Langford.
2. **Update On Trade Secrets Treatise.** Bec Edelson and Randy Kay updated committee members on the progress of the Trade Secret treatise edited by Randy and Bec and written by members of the Committee and solicited assistance in finalizing the chapters. It is anticipated that the treatise will be published in the Summer of 2004 and in advance of the next IP Institute.
3. **New cases.**

John Yates led a discussion of the recent opinion of the Court of Appeal on remand in *DVD Copy Control Association v. Bunner*, decided February 27, 2004.
4. **Speaking Opportunities/Writing Opportunities.**

The Committee members discussed potential writing and speaking opportunities. Randy Kay and Bec Edelson will speak at the IP Section's upcoming "Intellectual Property Litigation Issues for In-house Counsel" program in May 2004. The members discussed the need for the

Committee to keep a flow of articles to *New Matter*. John Yates, Veronica Gray, and Ben Scheibe all have articles in progress.

5. **Plain English Trade Secret Jury Instruction Project.** Ben Scheibe reported that he had been in contact with the CACI Committee and Justice James Ward of that Committee since the last meeting to discuss having the Committee assist in drafting so-called “Plain English” jury instructions for use in trade secret cases. Ben reported that the CACI Committee welcomes assistance from our Committee. An unofficial subcommittee has been established, consisting of Ben Scheibe, Carolyn Sieve, Randy Kay, Marshall Lerner, Bec Edelson, and Robert Freitas. Robert Freitas has volunteered to head the Committee and to act as a clearinghouse to collect instructions from Committee members.

6. **Next Meeting.** The Trade Secret Committee will have its next telephonic meeting on Monday, May 17, 2004 at 3:00 p.m. Ben Scheibe will circulate call-in information in advance of the meeting.